

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
WILLIAMSPORT
MAY 03 2018
PER _____
DEPUTY CLERK

ERIC SHIELDS,

Plaintiff,

V.

SUPERINTENDENT MAHAILY

ET AL.

No, 4:18-cv-185

(Judge Brann)

1. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of State Law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C section 1331 and 1343 (a) (3), Plaintiff Shields seek declaratory relief pursuant to 28 U.S.C section 2283 & 2284 and Rule 65 of the Federal Rules of Civil procedure.

2. The Middle District of Pennsylvania is an appropriate venue under 28 U.S.C. section 1391 (b) (2) because it is where the Events giving rise to this claim occurred.

2. PLAINTIFF

3. Plaintiff Eric Shields, is and was at all-time mentioned herein a Prisoner of the State of Pennsylvania in the custody of the Pennsylvania Department of Corrections. He is currently confined in Pennsylvania State prison, in Hunlock Creek, Pennsylvania.

3. DEFENDANTS

4. Defendant Mahaily is the Superintendent of SCI-Dallas state prison. He is legally responsible for the operation of SCI-Dallas state prison and the welfare of all inmates of that prison.

5. Defendant John DOE is the Deputy Warden of SCI-Dallas state prison. He is legally responsible for the operation of SCI-Dallas state prison and the welfare of all inmates of that prison.

6. Defendant M. Goyne is a CCPM of the Pennsylvania Department of corrections who, at time mentioned in this Complaint, held the rank of CCPM and was assigned to SCI-Dallas Prison.

7. Defendant C.O. Shear is a Correctional officer of Pennsylvania Department of Corrections Who, at all times Mentioned in this Complaint, held the rank of prison guard and was assigned to SCI-Dallas State Prison.

8. Defendant C.O. Hopkins is a Correctional officer of Pennsylvania Department of Corrections Who, at all times Mentioned in this Complaint, held the rank of prison guard and was assigned to SCI-Dallas State Prison.

9. Each Defendant is sued individually and in his official capacity.at all times mentioned in this Complaint each defendant acted under the color of State Law.

3. FACTS

10. At all times relevant to this case, Plaintiff Shields was in a cell on Block K.

11. On September 21, 2017 Defendant Co Shear took Shields to K B20 cell and let him in the cell.

12. On September 27, 2017 Defendant CO Shear and Garcia put me in cell K A 39 cell.

13. On October 16, 2017 Defendant CO Shear said there is a matching Pair that likes kids in cell K A 39 cell.

15. On November 2, 2017 Defendant CO Shear moved Shields to K A 5cell

16. On November 2, 2017 Defendant Co Shear moved an inmate into Shields cell and said sorry to Shields and 9:45PM after o Garcia walked By I got Sex assaulted.

17. On November 29, 2017 Defendant CO Hopkins took food off Shields Tray and gave it to another inmate and told Shields "I don't care you should kill yourself Scumbag".

18. On November 9, 2017 Shields was taken to General Hospital, for Rape kit, when returned to SCI-Dallas a SGT and a CO Shear said good for you he should have killed you.

19. The following weeks November 30 - December 13, 2017 CO and inmates said they will kill me, beat me up, and rape me. CO's were telling inmates that I am a sex offender.

4. EXHAUSTION OF LEGAL REMEDIES

20. Plaintiff Shields used Prisoner Grievance available at SCI-Dallas state prison to try and solve the problem. On October 24, 2017 Plaintiff Shields presented the facts relating to this complaint. On October 31, 2017 Plaintiff Shields was sent a response saying his grievance had been denied. On November 7, 2017 he filed another grievance. November 9, 2017 it was rejected.

5. LEGAL CLAIMS

21. Plaintiff re-allege and incorporate by reference paragraph.

22. Defendant Shear and Hopkins illegal action, failing to correct that misconduct, and encouraging the continuation of the misconduct, defendant Mahailly, John DOE, M. Goynes is also violating plaintiff Shields rights under the eight Amendment to the United States constitution and causing Plaintiff Shields Pain, Suffering, Physical INJURY, and Emotional distress.

23. By Threatening Plaintiff Shields with Physical Violence for exercise of his right to seek redress from the Prison through use of the Prison grievance system, Defendant Shear and Hopkins is retaliating against Plaintiff Shields unlawfully, in violation of Plaintiff Shields rights under the First Amendment to the United States Constitution. These illegal actions are causing Plaintiff Shields injury to his First Amendment rights.

24. Plaintiff Shields has no plain, adequate or complete remedy at Law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparable injured by the conduct of the Defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.

G. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Shield
Respectfully Pray that this Court Enter Judgment:

25. Granting Plaintiff Shields a declaration that the acts and Omissions described herein Violate his Rights under the Constitution and Laws of the United States, and,
26. A Preliminary and Permanent injunction ordering Defendants Shear, DOE, Mahouly, John DOE, M. Goynes, and Hopkins to cease their Violence and threats Towards Plaintiff Shields, and
27. Granting Plaintiff Shields Compensatory damages in the amount of \$150,000.00 against Each defendant, Jointly and severally.
28. Plaintiff seeks Punitive damages in the Amount of \$150,000.00.
29. Plaintiff also seeks a Jury Trial on all issues Triable by Jury.
30. Plaintiff also seeks recovery of their costs in this suite, and
31. Any additional relief this Court deems Just, Proper, and equitable.

Date: April 30, 2018

Respectfully Submitted
Eric Shields



VERIFICATION

I have read the Foregoing Complaint and hereby Verify that the Matter alleged therein are true, except as to Matters alleged on Information on bRief, and as to those, I believe them to be True. I Certify Under Penalty of Perjury That the Foregoing is true and Correct.

Executed at SCI-Retreat at Hunlock Creek Pennsylvania
On April 30, 2018

Date April 30, 2018

Respectfully Submitted



Eric Shields

MZ6698

SCI-Retreat

660 State Route 11

Hunlock Creek, Pa

18621-3136

Name Eric Shields

Number MZ 6698

660 State Route 11

Hunlock Creek, PA 18621-3136

INMATE MAIL

PA DEPT. OF CORRECTIONS

Office of the Clerk

United States District Court

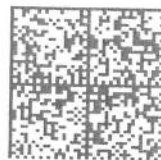
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